

In the Matter of) Arizona Supreme Court
) No. R-13-0005
PETITION TO AMEND RULES 54 and)
58, ARIZONA RULES OF CIVIL)
PROCEDURE and RULE 9,)
ARIZONA RULES OF CIVIL)
APPELLATE PROCEDURE)
)
)
)
<u> </u>) FILED 08/28/2013

A petition having been filed proposing to simplify the procedures for perfecting an appeal, and no comments having been received, upon consideration,

IT IS ORDERED that Rules 54 and 58, Rules of Civil Procedure, and Rule 9, Rules of Civil Appellate Procedure, be amended in accordance with the attachment hereto, effective January 1, 2014.

DATED this _____ day of August, 2013.

REBECCA WHITE BERCH
Chief Justice

TO:
Rule 28 Distribution
John A Furlong

ATTACHMENT*

RULES OF CIVIL PROCEDURE

Rule 54(c). Judgment Upon All Claims and Parties

A judgment shall not be final unless the court states that no further matters remain pending and that the judgment is entered pursuant to Rule 54(c).

* * *

Rule 58(a). Service of Form of Judgment; Entry

Proposed forms of judgment shall be served upon all parties and counsel. Except as provided in Rule 54(b), a party seeking attorneys' fees shall provide in the form of judgment for an award of attorneys' fees in an amount to be entered by the court. Except as provided in subsection (f) of this rule, all judgments shall be in writing and signed by a judge or a court commissioner duly authorized to do so. The filing with the clerk of the judgment constitutes entry of such judgment, and the judgment is not effective before such entry, except that in such circumstances and on such notice as justice may require, the court may direct the entry of a judgment nunc pro tunc, and the reasons for such direction shall be entered of record. The entry of the judgment shall not be delayed for taxing costs.

* * *

RULES OF CIVIL APPELLATE PROCEDURE

Rule 9. Appeal—When Taken

(a) [No change in text.]

(b) Extension of Appeal Time.

(1) When any of the following motions are timely filed by any party, the time for appeal for all parties is extended, and the times set forth in Rule 9(a) shall be computed from the entry of any of the following orders:

(1A) Granting or denying a motion for judgment as a matter of law pursuant to ~~Ariz. Rules Civ. Proc.~~ Arizona Rules of Civil Procedure 50(b);

(2B) Granting or denying a motion to amend or make additional findings of fact

* Additions to text are indicated by underscoring and deletions by ~~strikeouts~~.

pursuant to ~~Ariz. Rules Civ. Proc.~~ Arizona Rules of Civil Procedure 52(b) or ~~Ariz. Rules Fam. L. Proc.~~ Arizona Rules of Family Law Procedure 82(B), whether or not granting the motion would alter the judgment.

(3C) Granting or denying a motion to alter or amend the judgment pursuant to ~~Ariz. Rules Civ. Proc.~~ Arizona Rules of Civil Procedure 59(1) or ~~Ariz. Rules Fam. L. Proc.~~ Arizona Rules of Family Law Procedure 84;

(4D) Denying a motion for new trial pursuant to ~~Ariz. Rules Civ. Proc.~~ Arizona Rules of Civil Procedure 59(a) or ~~Ariz. Rules Fam. L. Proc.~~ Arizona Rules of Family Law Procedure 83(A).

(2) (A) If more than one of the foregoing motions is timely filed, the expiration of the time for appeal is to be computed from the entry of the order which disposes of the last remaining motion. When a motion to amend or make additional findings of fact is granted, the time does not start to run until the amendment or addition has been accomplished by court order. The same applies also to the granting of a motion to alter or amend the judgment. For the purposes of this subdivision, entry of an order occurs when a signed written order is filed with the clerk of the superior court.

(B) A notice of appeal filed after the court announces a decision or order – but before the entry of the judgment or order – is treated as filed on the date of and after the entry of the judgment or order. If a notice of appeal is filed before the timely filing of one of the foregoing motions or during the pendency of such a motion, the appellant shall notify the appellate court and the appeal shall be suspended until the motion is decided. The appellant shall notify the appellate court when all such motions have been decided, and the notice of appeal shall be reinstated as of the date of the entry of the order disposing of the last remaining motion. A party intending to appeal a decision made by the lower court after the filing of a notice of appeal must file an amended notice of appeal in compliance with Rule 8 within the time prescribed by this rule measured from the entry of the order disposing of the last such remaining motion.

(c) [No change in text.]